

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-Cr-0024

JERMAINE L. COLEMAN,

Defendant.

**MAGISTRATE JUDGE'S RECOMMENDATION TO THE
HONORABLE LYNN ADELMAN**

NATURE OF CASE

On January 21, 2009, a federal grand jury sitting in this district returned a one-count indictment against defendant Jermaine L. Coleman. The defendant is charged with being a convicted felon in possession of a firearm and with being an Armed Career Criminal, in violation of 18 U.S.C. § 922(g)(1) and 924(e)(1).

On February 13, 2009, the defendant appeared before United States Magistrate Judge Aaron E. Goodstein for arraignment, entering a plea of not guilty. Pursuant to the pretrial scheduling order issued at that time, the defendant has filed a motion to suppress evidence and request for evidentiary hearing. (Docket #11). This motion will be addressed herein.

MOTION TO SUPPRESS EVIDENCE

On April 29, 2009, the court conducted an evidentiary hearing on the defendant's motion to suppress evidence. The following individuals testified at the hearing: Detective Scott Marlock and Detective David Lopez of the Milwaukee Police Department.

Based on the testimony at the hearing and considering the totality of the circumstances, the court found that the defendant was stopped in his vehicle for a traffic offense and that he was not in custody at the time he made the statements to the detectives. The court articulated its findings in greater detail on the record at the conclusion of the evidentiary hearing. Accordingly, for the reasons stated on the record, the court recommends to United States District Judge Lynn Adelman that the defendant's motion to suppress evidence be denied.

NOW, THEREFORE, IT IS HEREBY RECOMMENDED that the United States district judge enter an order **denying** defendant Jermaine L. Coleman's motion to suppress evidence. (Docket #11).

Your attention is directed to 28 U.S.C. § 636(b)(1)(A) and General Local Rule 72.3 (E.D. Wis.), whereby written objections to any recommendation herein or part thereof may be filed within ten days of service of this order. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Courtesy paper copies of any objections shall be sent directly to the chambers of the district judge assigned to the case. Failure to file a timely objection with the district court shall result in a waiver of your right to appeal.

Dated at Milwaukee, Wisconsin this 5th day of May, 2009.

BY THE COURT:

s/ Patricia J. Gorence
PATRICIA J. GORENCE
United States Magistrate Judge